

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,630 01/25/2001		1/25/2001	Hideo Miyake	1614.1116	5739
21171	7590	05/24/2004		EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W.			LÌ, AIMEE J		
				ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005				2183	
				DATE MAILED: 05/24/2004	,

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
٠, ٠, ٠		09/768,630	MIYAKE ET AL.				
	Office Action Summary	Examiner	Art Unit				
		Aimee J Li	2183				
Period fo	The MAILING DATE of this communication ap	pears on the cover sheet with the c	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)	Responsive to communication(s) filed on	·					
2a)□	This action is <b>FINAL</b> . 2b) ☐ Thi	s action is non-final.					
3)							
Disposit	on of Claims						
4)  Claim(s) 1-17 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) 1-17 are subject to restriction and/or election requirement.							
Applicati	on Papers						
9)[	The specification is objected to by the Examin	er.	·				
10)[	10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
	Applicant may not request that any objection to the						
11)	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority u	Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
2)  Notic 3) Inforr	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:					

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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-5, drawn to a specific method and device for preserving the context of a process, classified in class 712, subclass 228.
  - II. Claims 6-13, drawn to a multi-threaded device, which generically preserves a context, classified in class 712, subclass 228.
  - III. Claims 14-17, drawn to a divider, classified in class 708, subclass 630.
- 2. The inventions are distinct, each from the other because of the following reasons:
- 3. Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the invention claimed covers a generic multi-threaded or multi-process device which, in general, preserves the context of a current process when the process runs longer than the amount of time allotted for the process and may use any method and/or device which preserves a context. The subcombination has separate utility such as preserving the context in any multi-threaded or multi-process, such as a multi-threaded device which switches processes based upon a long-latency memory access not time allotment, device besides the one disclose. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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- 4. Inventions I/II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as being used as a divider in a single-threaded device or any device requiring this type of divider. See MPEP § 806.05(d). Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 5. A telephone call was made to Mr. H.J. Staas on 19 May 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.
- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aimee J Li whose telephone number is (703) 305-7596. The examiner can normally be reached on M-T 7:30am-5:00pm.

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9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (703) 305-9712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJL Aimee J. Li 19 May 2004

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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